

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, March 15, 2021

Mayor Schmidt called the meeting to order at 7:03PM.

Council Members Present: Will Dujardin, Chris Haver, Mona Merrill, Mallika Magner, Laura Mitchell, and Jason MacMillan

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Community Development Director Troy Russ

Public Works Director Shea Earley, Town Clerk Lynelle Stanford, Parks, Recreation, Trails and Open Space Director Janna Hansen, Town Planner II Mel Yemma, and Finance Director Rob Zillioux (for part of the meeting)

Everyone connected and participated in the meeting via Zoom. MacDonald and Stanford were present in Council Chambers.

Schmidt mentioned the preceding work session regarding the Elk Avenue reconfiguration.

APPROVAL OF AGENDA

Mitchell moved and Haver seconded a motion to approve the agenda as submitted. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

1) March 1, 2021 Regular Town Council Meeting Minutes.

Staff Contact: Town Clerk Lynelle Stanford

2) Energy Performance Contract with Johnson Controls, Inc.

Staff Contact: Community Development Director Troy Russ

3) Resolution No. 5, Series 2021 - A Resolution of the Crested Butte Town Council Approving the Development Improvements Agreement Affecting Lots 17-32, Block 2 And Lots 1-13 Block 11; Town Of Crested Butte, Colorado.

Staff Contact: Community Development Director Troy Russ

Schmidt pointed out #3 represented the end of the Kapushion lots.

Mitchell moved and Haver seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Introduction of Town Engineer Carolyn de Groot

MacDonald welcomed de Groot. MacDonald asked de Groot for a brief introduction. De Groot reported she was from Canada. She described the location of her office, which was Betty's (Warren) former office. De Groot would be working on public works projects for the next few years.

PUBLIC COMMENT

Lawson Yow

- He informed the Council that restaurants had a grease disposal problem.
- He mentioned services provided by Mahoney Environmental.
- He wondered if it was possible for a place in town to be designated for grease collection.
- Schmidt told Yow that Staff would get back to him.

STAFF UPDATES

- Schmidt referred to the Manager's Report.
- Schmidt mentioned the letter from the Post Office included in the packet.
 - He noted Summit County was having similar problems.
 - The historic election referred to in the letter was discussed. Magner thought they should push back and ask for evidence the election occurred. Haver agreed with Magner.
 - MacDonald and Schmidt would continue communicating with the Post Office.
- MacDonald identified that some units in Paradise Park, Phase 2 were having roof leaks. They were talking internally regarding what role the Town had.
- MacDonald stated the Topsy Taxi was back up and running. Funding was an unsettled issue.
- Staff wanted to confirm with the Council there would be a quorum the second meeting in April. The meeting would be discussed under Other Business.
- The scheduling of the retreat for April would be discussed generally under Other Business to identify dates for a Doodle poll.
- Schmidt confirmed Town did not receive the GOCO grant for the boat ramp project.
- Dujardin appreciated Staff members being vaccinated, and he asked what percentage of Staff elected not to get the vaccine.
- Dujardin questioned the new plans for Clark's.

LEGAL MATTERS

Sullivan was looking into the legal authorities that were cited in the letter from the Postal Service. He would be working with MacDonald.

Sullivan reported on the lawsuit regarding Scenic Butte and the condemnation of the road on top of it. There was a hearing scheduled for March 24th on the case.

PUBLIC HEARING

1) Ordinance No. 4, Series 2021 - An Ordinance of the Crested Butte Town Council Approving the Lease of Unit A (Located in the Upper Level of the Chamber of Commerce Visitors Center - A Town Owned Building) Located at 601 Elk Avenue to West Elk Soccer Association.

Staff Contact: Finance Director Rob Zillioux

Schmidt read the title of the ordinance, and he confirmed proper public notice had been given. Schmidt opened the public hearing to public comment.

Kristin Engel, from WESA, expressed her thanks and appreciation for the opportunity.

Schmidt closed the public hearing. There was no further Council discussion.

Mitchell moved and MacMillan seconded a motion that the Town enters into a lease with the West Elk Soccer Association. A roll call vote was taken with all voting, "Yes."

Motion passed unanimously.

Dujardin questioned whether there was a waitlist for Town units. MacDonald told him there was not a waitlist at this time.

2) Ordinance No. 5, Series 2021 - An Ordinance of the Crested Butte Town Council Amending the Crested Butte Municipal Code: Chapter 18, Article 4, Section 18-7-20, Adopting by Reference the 2018 Edition of the International Fuel Gas Code (IFGC).

Staff Contact: Community Development Director Troy Russ

Schmidt read the title of the ordinance. Schmidt confirmed proper public notice had been given. There were no comments from the public. The public hearing was closed.

Mitchell moved and Magner seconded a motion to approve Ordinance No. 5, Series 2021. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Elk Avenue Summer Configuration Discussion.

Staff Contact: Community Development Director Troy Russ

Russ listed the three options for the Council to consider: the permanent, seasonal solution with patios, which was Staff's recommendation; the status quo going forward; Staff could implement the seasonal one-year use of the flower and planter boxes this

summer (parklets). Additionally, Russ asked the Council to decide on traffic calming options.

Schmidt questioned where the funds would come from for the patios. MacDonald explained the money would come from reserves. Magner asked if it was possible to give a number value to the benefit to the businesses. She questioned whether there was data to support spending the money. Merrill provided an estimated number based on number of tables. She questioned why the Town would purchase the patios. Russ explained the reasoning. Magner recognized it was a significant amount of money.

Schmidt asked about payment in lieu and tap fees. Yemma identified fees were about \$22K per parking space. Merrill had concern about fairness for businesses in Town. MacMillan asked about restaurants that made permanent investments in outdoor seating. Russ explained the businesses would have to apply and meet the rules every year. Magner confirmed the businesses located off Elk would have the same opportunity as last summer. Yemma stated Staff would work with each restaurant to help with capacity, assuming there would still be COVID restrictions.

Mitchell wanted to know the why. Yemma reminded of the reasons for embarking on the three-month public process. Russ elaborated the plan was a way to allow additional revenues to help restaurants deal with the increased costs for property while maintaining the character of the Town. MacMillan acknowledged the strain on the workforce and on housing, which would be unintended consequences of increasing revenue on Elk.

Schmidt thought the reconfiguration worked well last year. He asked for downsides to the parklets compared to the patios. Russ identified the long-term maintenance of the flower boxes and barrels was more compared to the patios; safety was a concern; and ADA accessibility. Magner's understanding was that the community was in favor of the one-way returning. Merrill recognized the aesthetics of the patios had a different feel than the parklets. She would feel better with the parklets with evaluating what it was like after COVID.

Haver liked the traffic mitigation ideas for the side roads, and monitoring the parking was important. He questioned road and lane dimensions from last summer. Haver liked the one-way. He thought 10 minute parking was beneficial, and it was lost. He liked the patios over the sidewalk seating for ADA accessibility. Haver wanted to make sure locals were using the space. He did not see heaters mentioned. Yemma addressed Haver's questions.

Mitchell recognized it was not working when people parked on Elk for hours at a time. MacMillan liked the one-way. He thought the 12-foot lane was tight. Dujardin questioned the delivery zone changes and wondered if they would be permanent. Russ explained the changes would be recommended, year around changes. Dujardin asked about the routes of trucks for the delivery zone in front of Old Town Hall. Furthermore, Dujardin thought capping at two patios per business caused some businesses to miss out. Russ said the neighborhood parking program could address parking inequities.

MacMillan asked about a system where leftover modules could be bought by businesses such as Nicky's, Rumors, and the Rocky Mountain Chocolate Factory. Russ explained the Staff's recommendation was for licensed restaurants, but he encouraged the Council to discuss.

Merrill wanted to be fair to everyone. Russ acknowledged the restaurants were the anchors for Elk Avenue that helped retail. He clarified restaurants were getting the space for only four months. Merrill liked the one-way. The equity factors needed to be worked out. Mitchell stated the equity and the optics were confusing. Schmidt had a real problem with any paid parking; the Town needed to enforce two-hour parking on Elk and see what happened. Schmidt pointed out the Town did not have a place to push people. Dujardin wondered how it would be equitable to businesses that paid significant amounts into payment in lieu. He recognized impacts to residents in the areas. Yemma responded to Dujardin regarding the parking management program. Yemma reported that Staff would anticipate scaled implementation of parking management starting with Elk Avenue.

MacMillan asked about pushing decisions to a later date. Russ explained that Staff needed to make an order for patios quickly if they wanted them this year. Dujardin brought the discussion back to traffic calming, and Russ elaborated by describing details. Dujardin questioned whether there really was not enough space for a two-way bike lane on Elk Avenue. Russ identified the result of a bike lane would be sacrificing a side of the street. The choice for bike riders would be the two-way traffic operation. Mitchell reiterated that bikes had to follow the same laws as vehicles, and it was not fair to Mountain Express to have bikes coming down Elk. Magner pointed out the public preferred one-way traffic, one-way bikes. Dujardin wondered if the October 15th end date would not be using resources as efficiently as they could.

Russ distilled the decision down to whether Town was purchasing the patios or not. Russ felt the Staff recommendation reflected the desires of the majority of folks in Town. The discussion became focused on participants during the public process. Russ felt the community understood the consequences of the decisions.

Schmidt opened the meeting to public comment.

Kimberly Barefield - 301 3rd Street

- She thanked for the work and the good process.
- They voted for patios because of consistency, ADA, and health and safety; however, it struck her they were making a monumental decision that would be permanent and would change the character of the Town, during a pandemic.
- There were a lot of decisions and testing that needed to be done to reduce neighborhood impacts.
- Lots of big delivery trucks used Maroon Avenue.
- She wanted to see Elk Avenue and neighborhood impact discussions happening more concurrently.

- The Council needed to take a deeper dive in what this meant for the community long-term.
- Until they were out of COVID, no major changes should be made.
- There needed to be thoughtful consideration into making this decision long-term.

Magner pointed out Staff had been working diligently on attempting to have the discussion before tonight. Russ noted the process had been a 10-month discussion that had been going on since May of last year.

Chuck Cliggett and Nancy Riemer - From the Rocky Mountain Chocolate Factory

- They were concerned that the Chocolate Factory was not considered eligible this year for a patio.
- They had been included last year.

Russ pointed out the three businesses without restaurant licenses that did not have the same obligations as other restaurants, which were Rumors, Niky's Mini Donuts, and the Rocky Mountain Chocolate Factory.

Daniel Greivell - From The Eldo

- He asked whether it was about COVID or about something that would be long-term.
- No one wanted to be left out.
- Russ agreed the flower boxes and barrels consumed more space than the railings would.

Mary Boddington - From Talk of the Town

- She was in full support of getting the patios and the wood set ups built.
- She thought the railings would be nice.
- She felt patios would look better on Elk Avenue.
- She thought a permanent solution made a lot of sense.
- In general, the patios allowed people to walk around and spend more time shopping.

Richard Machemehl - From Niky's Mini Donuts

- They wanted to be included on some level as well.

Kyleena Falzone - From Secret Stash and Bonez

- She identified the total she paid for parking in lieu fees.
- She supported Niky's, Chocolate Factory, and Rumors having the outdoor seating.
- She paid a serious amount in parking and property taxes.
- She asked why Town would not go back to using the street. She wondered whether stepping off the curb was a big deal.
- She suggested the Town use the same set up as last year.
- She thought retail shops could use street space, too.

- She asked how much revenue the bikers were bringing in.

Russ reported on numbers for potential sales tax that could be collected with increased seating capacities.

Mary Boddington

- She seconded that last summer worked fine.

Merrill anticipated that social distancing and masks would be in place this summer. She was in favor of doing what was done last year. Haver pointed out that Town would not have the tables and benches for the parklets and that the traffic calming was important for Town. He recommended moving forward with parking enforcement and the 10MPH speed limit on Elk Avenue. He was still conflicted between parklets and patios. MacMillan liked parklets as a temporary solution, but there was a potential safety issue. He considered the return on the investment on patios. MacMillan had a hard time making a long-term decision quickly. Russ confirmed the RFP for patios would need to get out by Friday, and the manufacturers said they could be completed in time. Russ pointed out a speedy decision was needed for restaurants to make their orders. Magner would say she was in favor of the patios. Traffic calming on Maroon and Sopris were very much a part of this plan. Dujardin thought the patios would be a better solution for uniformity, safety, and ADA access. Taking the time to get it right was important to him. Mitchell was in favor of the patios. Schmidt did not have a problem with either option, but he preferred patios.

Schmidt polled the Council to determine whether the Council wanted to include Niky's, Rumors, and the Chocolate Factory. Merrill was undecided. MacMillan agreed to include them during COVID, but he thought after COVID would open a can of worms. Dujardin was in favor of outside spaces this year for them; Magner was definitely in favor; Haver was in favor; and Schmidt agreed.

Mitchell moved and Magner seconded a motion to direct Staff to proceed with the RFP for patios and include the accepted restaurants: Niky's, Chocolate Factory, and Rumors, and to proceed with the one-way plan for the summer of 2021. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Budget Amendment Request for Tree Removal (Beetle Kill) at Avalanche Park.
Staff Contact: Community Development Director Troy Russ

Yemma introduced Mike Tarantino. She reviewed background on the project. Yemma explained that the beetles have persisted, and the level of infestation has grown exponentially. Tarantino outlined the two recommendations, which were included in the packet.

Tarantino stated that pine beetles were discovered in the area in 2019. He explained the method used for a direct sanitization. Tarantino recognized the proper management of the insect could limit the spread. Mitchell asked whether this project would take care of

the mistletoe. Schmidt asked about a plan for revegetation and what the neighboring property to the south would do. Yemma identified the Staff recommendation was to move forward with removing all the trees. Mitchell thought they needed public outreach, but otherwise it was a no-brainer. She supported whatever needed to be done. Tarantino reported on types of beetles, responding to MacMillan's question. Dujardin asked about the property owner to the east.

Mitchell moved and MacMillan seconded a motion for a \$20,000 budget amendment, shifting \$12,000 from the Red Lady Estates Wildfire Mitigation project and requesting an additional \$8,000 from the Open Space Fund to remove all the trees in the infested Pine Beetle stand at Avalanche Park. A roll call vote was taken with all voting, "Yes."

Motion passed unanimously.

Haver asked about the Red Lady Fire Mitigation Project and Yemma explained. Haver was concerned about wildfires. Tarantino identified grant funding for wildfire risk mitigation.

COUNCIL REPORTS AND COMMITTEE UPDATES

Mona Merrill

- She went to the Gunnison Valley Housing Authority meeting.
 - They had been doing budget amendments.
 - They were coming up with criteria for lending money for projects.
 - They spoke to Willa (Williford) about trying to figure out the new updated housing assessment. The new assessment would not come out until after fall.
 - They had to drop the AMI of the Lazy K project to keep the project going.
- The Center for the Arts meeting would be tomorrow morning. Executive Director Scott Palmer had resigned.

Will Dujardin

- He referred to his EOC notes. There were mixed messages across the state.
- The BLMCC requested to take the changes to the complaint process and forms off the agenda to regroup and make sure the committee was on the same page and on the same page with Staff.

Laura Mitchell

- She would talk with Truex about the Little Blue Canyon project related to bus trips that would be added to Montrose and Denver that would leave from Crested Butte. She had been thinking about more public information.

Chris Haver

- There was an OVLCC meeting.
 - They talked about recovery moving forward, including recovery for individuals.
 - There were still business opportunities.

- They discussed the resiliency plan moving forward and expanding the OVPP goals for long-term resiliency in the County.

Jason MacMillan

- They had a Public Art Commission meeting.
 - They received four great proposals for the public art at Big Mine Ice Arena.
 - They chose the proposal from Stefani Johnson and Luke Schroeder.
 - He described other proposals that were received.
- He reported on the TAPP meeting.
 - Crested Butte tax revenue was up 10%. Competitors such as Telluride and Aspen had gone down. Crested Butte had done well.
 - He mentioned an upcoming biking event for this fall called the Gravel Grinder.
 - Average nightly rates in the valley were somewhat low comparative to the competition.

Jim Schmidt

- He went to quite a few Zoom meetings regarding Little Blue Canyon, including an emergency meeting.
 - A State Senator from the Montrose area claimed that the cattlemen and forest haulers could not get through during the minimal hours it would be open.
 - CDOT made concessions on Highway 92 for the cattle haulers.
 - Schmidt added details pertaining to the work taking place.
 - The timeline was still up in the air. He thought they went with the two-year plan.
- The Cemetery Committee met the other day.
 - They had several little items. At their next meeting, they hoped to develop a budget to request another \$10K from the Town.
- There was a Mayor/Managers meeting. They discussed the North Village.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt asked MacDonald to investigate ranked voting. MacDonald explained there was legislation pending that would require counties to conduct elections using ranked voting on towns' behalf. She asked the attorneys to investigate the language in the Charter.

Schmidt stated it was the time to consider pay raises for the Council.

The Council briefly discussed the meeting that was scheduled for April 19th. Schmidt affirmed he would be here for the April 19th meeting. Mitchell thought she would be back. Schmidt would confirm a quorum during the April 5th meeting.

MacDonald would provide an update on the grease collector request. She suggested the restaurants work together.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, April 5, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 19, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, May 3, 2021 - 6:00PM Work Session - 7:00PM Regular Council

EXECUTIVE SESSION

Schmidt read the reason for Executive Session: for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding the IGA with the Crested Butte Fire Protection District and the Haney House Relocation (20 Third Street) to Paradise Park.

Mitchell moved and Dujardin seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 10:01PM. The Council returned to open meeting at 11:01PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:02PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

